

AMENDED IN SENATE JUNE 25, 2003

AMENDED IN SENATE JUNE 9, 2003

AMENDED IN ASSEMBLY APRIL 7, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

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**ASSEMBLY BILL**

**No. 310**

**Introduced by Assembly Member Kehoe  
(Coauthor: Assembly Member Goldberg)**

February 7, 2003

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An act to add Sections 45061.5, 45168.5, 87834.5, and 88167.5 to the Education Code, relating to school employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 310, as amended, Kehoe. Employee bargaining units: salary deductions.

Existing law requires the governing board of a school district and the governing board of a community college district that deduct employee organization membership dues or service fees from the salary payment of an employee of the district to transmit the amount of the deduction to the organization. Existing law requires that classified employee dues be transmitted on the same designated date of each month and that certificated employee dues be transmitted no later than the 15th day of each pay period.

This bill would require the governing board of a school district and the governing board of a community college district that collect or deduct dues, agency fees, fair share fees, or any other fee or amount of money from an employee's salary for the purpose of transmitting the money to an employee organization, to transmit the money to the

employee organization within 15 days of issuing the paycheck containing the deduction. The bill would prohibit a school district and a county office of education from requesting, and the State Board of Education from granting, a waiver of compliance with this provision.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION. 1. Section 45061.5 is added to the Education  
2 Code, to read:

3 45061.5. (a) Notwithstanding any other law, the governing  
4 board of a school district that collects or deducts dues, agency fees,  
5 fair share fees, or any other fee or amount of money from the salary  
6 of a certificated employee for the purpose of transmitting the  
7 money to an employee organization shall transmit the money to the  
8 employee organization within 15 days of issuing the paycheck  
9 containing the deduction to the employee.

10 (b) (1) This section does not limit the right of an employee  
11 organization or affected employee to sue for a failure of the  
12 employer to transmit dues or fees pursuant to this section.

13 (2) In an action brought for a violation of subdivision (a), the  
14 court ~~shall~~ may award reasonable attorney fees and costs to the  
15 prevailing party if any party to the action requests attorney fees and  
16 ~~costs upon the initiation of the action.~~ costs.

17 (c) A school district or county office of education may not  
18 request, and the State Board of Education may not grant, a waiver  
19 of compliance with this section.

20 SEC. 2. Section 45168.5 is added to the Education Code, to  
21 read:

22 45168.5. (a) Notwithstanding any other law, the governing  
23 board of a school district that collects or deducts dues, agency fees,  
24 fair share fees, or any other fee or amount of money from the salary  
25 of a classified employee for the purpose of transmitting the money  
26 to an employee organization shall transmit the money to the  
27 employee organization within 15 days of issuing the paycheck  
28 containing the deduction to the employee.

29 (b) (1) This section does not limit the right of an employee  
30 organization or affected employee to sue for a failure of the  
31 employer to transmit dues or fees pursuant to this section.



1 (2) In an action brought for a violation of subdivision (a), the  
2 court ~~shall~~ *may* award reasonable attorney fees and costs to the  
3 prevailing party if any party to the action requests attorney fees and  
4 ~~costs upon the initiation of the action.~~ *costs.*

5 (c) This section applies to districts that have adopted the merit  
6 system in the same manner and effect as if it were a part of Article  
7 6 (commencing with Section 45240).

8 ~~(e)~~

9 (d) A school district or county office of education may not  
10 request, and the State Board of Education may not grant, a waiver  
11 of compliance with this section,

12 SEC. 3. Section 87834.5 is added to the Education Code, to  
13 read:

14 87834.5. (a) Notwithstanding any other law, the governing  
15 board of a community college district that collects or deducts dues,  
16 agency fees, fair share fees, or any other fee or amount of money  
17 from the salary of an academic employee for the purpose of  
18 transmitting the money to an employee organization shall transmit  
19 the money to the employee organization within 15 days of issuing  
20 the paycheck containing the deduction to the employee.

21 (b) (1) This section does not limit the right of an employee  
22 organization or affected employee to sue for a failure of the  
23 employer to transmit dues or fees pursuant to this section.

24 (2) In an action brought for a violation of subdivision (a), the  
25 court ~~shall~~ *may* award reasonable attorney fees and costs to the  
26 prevailing party if any party to the action requests attorney fees and  
27 ~~costs upon the initiation of the action.~~ *costs.*

28 SEC. 4. Section 88167.5 is added to the Education Code, to  
29 read:

30 88167.5. (a) Notwithstanding any other law, the governing  
31 board of a community college district that collects or deducts dues,  
32 agency fees, fair share fees, or any other fee or amount of money  
33 from the salary of a classified employee for the purpose of  
34 transmitting the money to an employee organization shall transmit  
35 the money to the employee organization within 15 days of issuing  
36 the paycheck containing the deduction to the employee.

37 (b) (1) This section does not limit the right of an employee  
38 organization or affected employee to sue for a failure of the  
39 employer to transmit dues or fees pursuant to this section.

1 (2) In an action brought for a violation of subdivision (a), the  
2 court ~~shall~~ *may* award reasonable attorney fees and costs to the  
3 prevailing party if any party to the action requests attorney fees and  
4 ~~costs upon the initiation of the action.~~ *costs.*

5 (c) This section applies to districts that have adopted the merit  
6 system in the same manner and effect as if it were a part of Article  
7 6 (commencing with Section 88060).

